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| | | | 2164 | |

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,000

Applicant(s)

RUSSELL, NICK SCOTT

Examiner

Phuong-Thao Cao

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to Application filed on 10/14/2003.
2. Claims 1-22 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 2, 4-12 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected because of software per se. Claim 1 claims a system but no hardware recited.

Claims 2 and 4-12 are rejected as incorporating the deficiencies of claim 1 upon which they depend.

Regarding claim 21, this claim recites a method of testing an application which generates messaging service messages, but fails to recite a tangible result, a requirement for compliance with the provisions of 35 U.S.C. § 101 in view of the Interim Guidelines for Examination of

Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf,

particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

For a result to be tangible, it must be more than just a thought or a computation; it must have real-world value rather than an abstract result. For instance, note that the limitation of claim 22 is not rejected, since it recites the function of displaying the data resulting from the operation to a user, whereas (for instance), claim 21 merely cites 'reading the message' as the result.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 4-9, 12 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Martino, II (US Patent No 5,983,265).

As to claim 1, Martino, II teaches:

“A system for managing messages on a queue” (see [column 5, lines 19-60]), comprising:

“a first module operable to read a plurality of messages from the queue” (see [column 27, lines 23-35] wherein RECEIVE verb is equivalent to Applicant’s “a first module operable to read”); and

“a second module operable to display the plurality of messages from the queue” (see [column 12, lines 50-55] wherein the disclosure of displaying message implies the inclusion of a module operable to display as illustrated in Applicant’s claim language).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II teaches:

“a control module operable to selectively remove at least one of the plurality of message from the queue” (see [column 10, lines 2-6] and [column 24, lines 55-60]).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II teaches:

“a control module operable to selectively remove each of the plurality of message from the queue” (see [column 24, lines 55-60]).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II teaches:

“wherein each of the plurality of messages includes attributes and wherein the second module is further operable to display the attributes of each of the plurality of messages” (see table 3, [column 4, lines 60-67] and [column 6, lines 35-40] wherein EMS fields are equivalent to Applicant’s “attributes” and the disclosure of User Status Utility that allows the user to view queues implies the display of messages in a queue with their attributes; also see [column 11, lines 40-55] and [column 12, lines 48-55] wherein message data including attribute data contained in the message ICB).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II teaches:

“wherein the plurality of messages each includes attributes and wherein the second module is further operable to display sectional identifiers related to the attributes of each one of the plurality of messages” (see Table 3 wherein values in column Field are equivalent to Applicant’s “sectional identifiers related to the attributes” and see [column 11, lines 40-55] and

[column 12, lines 48-55] wherein message data including attribute data contained in the message ICB).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 7 and is similarly rejected including the following:

Martino, II teaches:

“wherein each of the attributes is displayed, by the second module, adjacent the sectional identifier associated with the attribute” (see Table 3 wherein values in column Field is equivalent to Applicant’s “sectional identifiers” and values in column Content is equivalent to Applicant’s “attributes” and see [column 12, lines 48-55] for the display of message including attribute data in ICB).

As to claim 9, this claim is rejected based on arguments given above for rejected claim 6 and is similarly rejected including the following:

Martino, II teaches:

“wherein the plurality of attributes of the plurality of messages includes a type attribute, an expires attribute, a priority attribute, a mode attribute, a correlation identification attribute, a reply attribute and a properties attribute, and wherein the second module is further operable to display a type section wherein the type attribute is display, an expires section wherein the expires attribute is displayed, a priority section wherein the expires attribute is displayed, a priority section wherein the priority attribute is displayed, a mode section wherein the mode attribute is displayed, a correlation identification section wherein the correlation identification attribute is

displayed, a reply section wherein the replay attribute is displayed, and a properties section wherein the properties attribute is displayed” (see [column 20, lines 1-20 and lines 30-55], [column 21, lines 25-35], [column 22], [column 23] and [column 24, lines 1-25] wherein Message Type is equivalent to Applicant’s “type attribute”, Delivery Mode is equivalent to Applicant’s “mode attribute”, Delivery Expiration Time is equivalent to Applicant’s “expires attribute”, Confirmation Mode is equivalent to Applicant’s “reply attribute”, Message Priority is equivalent to Applicant’s “priority attribute”, Message Pointer is equivalent to Applicant’s “correlation identification attribute” and Time Sent or Received is equivalent to Applicant’s “properties attribute”, and see [column 4, lines 60-67], [column 6, lines 35-40] and [column 12, lines 50-55] for the display of message including attribute data in the message ICB).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II teaches:

“wherein the second module is further operable to display an identifier associated with the each of the message and a delivery time related to the time the message was delivered to the message service” (see [column 23, lines 1-5] and [column 24, lines 12-16] wherein Message Identifier is equivalent to Applicant’s “identifier” and Time Sent or Received is equivalent to Applicant’s “delivery time”, and see [column 4, lines 60-67], [column 6, lines 35-40] and [column 12, lines 50-55] for the display of message including attribute data in the message ICB).

As to claim 21, Martino, II teaches:

“A method of testing an application which generates messaging service messages” (see [column 5, lines 5-10]), comprising:

“running the test application” (see [column 26, lines 10-22]);

“generating a message by the test application” (see [column 8, lines 10-20]);

“posting the message to a queue” (see [column 27, lines 55-65]);

“selecting the queue” (see [column 6, lines 35-40] wherein the disclosure of User Status Utility allowing a user to view queues and manage available communication resource implies the ability to select a specific queue);

“reading the message on the queue to verify whether the test application is operating properly” (see [column 12, lines 50-55]).

7. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (Publication No US 2003/0115366).

As to claim 13, Robinson teaches:

“A method of viewing messaging service messages” (see [0016]), comprising:

“selecting a host computer” (see [0015] and [0016] wherein server 20 is equivalent to Applicant’s “host computer” and the disclosure of retrieving messages from queue and/or topic on server 20 implies that server 20 is selected, as illustrated in Applicant’s claim language);

“selecting a queue” (see [0016] wherein the disclosure of retrieving messages from queue 17 implies that queue 17 is selected as illustrated in Applicant’s claim language);

“reading a message from the queue” (see [0016] wherein “retrieve” is equivalent to Applicant’s “reading”); and

“displaying a content of the message of the java messaging service” (see [0016]).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Robinson teaches:

“wherein message includes a plurality of attributes” (see [0026]).

As to claim 15, this claim is rejected based on arguments given above for rejected claim 14 and is similarly rejected including the following:

Robinson teaches:

“wherein the queue is on a messaging service message server” (see [0015]).

As to claim 16, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Robinson teaches:

“selecting a profile identifying a host computer and having information to connect to the host computer, the profile further identifying a queue” (see [0017]-[0019] and [0029] wherein connection factory encapsulating connection configuration information is equivalent to Applicant’s “profile”)

“logging to the queue using the profile” (see [0117]-[0019] wherein connection factory is equivalent to Applicant’s “profile” and the disclosure of using the connection factory to create a connection to a queue is equivalent to Applicant’s claim language).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino, II (US Patent No 5,983,265) as applied to claim 1 above, and further in view of Robinson (Publication No US 2003/0115366).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II does not teach “wherein the queue is supported by a java messaging service”.

Robinson teaches “wherein the queue is supported by a java messaging service” (see [0003], [0014] and [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Martino, II by the teaching of Robinson, since

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implementing a queue supported by java messaging service allows a convenient and flexible way to asynchronously deliver messages because java messaging service is an asynchronous messaging system.

As to claim 3, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Martino, II as modified does not teach “wherein the queue is on a java messaging service message server”.

Robinson teaches “wherein the queue is on a java messaging service message server” (see [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Martino, II as modified by the teaching of Robinson, since implementing a queue on a java messaging service message server allows an effective way to asynchronously deliver messages because java messaging service message server is an asynchronous messaging server.

As to claim 22, this claim is rejected based on arguments given above for rejected claim 21 and is similarly rejected including the following:

Martino, II teach “displaying attributes of the message” (see [column 12, lines 50-55] wherein message data includes attribute data in the message ICB).

Martino, II does not teach “wherein the queue is supported by a java messaging service”.

Robinson teaches “wherein the queue is supported by a java messaging service” (see [0003], [0014] and [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Martino, II by the teaching of Robinson, since implementing a queue supported by java messaging service allows a convenient and flexible way to asynchronously deliver messages because java messaging service is an asynchronous messaging system.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino, II (US Patent No 5,983,265) as applied to claim 1 above, and further in view of Ishmael, JR et al. (Publication No US 2002/0143947).

As to claim 10, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Martino, II does not teach “wherein each of the plurality of message includes a properties attribute and wherein the second module is operable to display only a portion of the properties attribute”.

Ishmael, JR et al. teach “wherein each of the plurality of message includes a properties attribute and wherein the second module is operable to display only a portion of the properties attribute” (see Fig 3-5, [0023] and [0024]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Martino, II by the teaching of Ishmael, JR et al., since

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displaying only a portion of the properties attribute provides an abstract and effective view of the messages in the queue which allows a user to identify a specific message faster.

As to claim 11, this claim is rejected based on arguments given above for rejected claim 10 and is similarly rejected including the following:

Martino, II as modified does not teach “wherein the display module is further operable, in response to selecting the displayed portion of the properties attribute, to display in a viewer the complete properties attribute for viewing”.

Ishmael, JR et al. teach “wherein the display module is further operable, in response to selecting the displayed portion of the properties attribute, to display in a viewer the complete properties attribute for viewing” (see Fig 3-5, [0023] and [0024]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Martino, II as modified by the teaching of Ishmael, JR et al., since displaying a complete properties attribute allows a user to view the status of the message more thoroughly and effectively.

11. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (Publication No US 2003/0115366) as applied to claim 16 above, and further in view of Ishmael, JR et al. (Publication No US 2002/0143947).

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Robinson does not teach “selecting a consume control determining whether to consume the messages after the message is read” and “consuming the message when the consume control has been selected to consume the message”.

Ishmael, JR et al. teach “selecting a consume control determining whether to consume the messages after the message is read” and “consuming the message when the consume control has been selected to consume the message” (see [0024] wherein the disclosure of enabling the interactive user to delete messages listed in the queue implies the inclusion of a delete control and selecting or clicking on the control allowing the user to delete the message wherein delete is equivalent to Applicant’s “consume”, as illustrated in Applicant’s claim language).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Robinson by the teaching of Ishmael, JR et al., since adding a consume control and consuming the message when the consume control has been selected provide an effective way to manage messages in the queue. It allows an effective and efficient use of the memory resource in the system.

As to claim 18, this claim is rejected based on arguments given above for rejected claim 17 and is similarly rejected including the following:

Robinson as modified does not teach “displaying attribute headings including indicia identifying attributes of the message”.

Ishmael, JR et al. teach “displaying attribute headings including indicia identifying attributes of the message” (see Fig 3 and [0023] wherein ID, Subject, Sender, Time Sent,

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Delegated and Status are equivalent to attribute headings as illustrated in Applicant's claim language).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Robinson as modified by the teaching of Ishmael, JR et al., since displaying attribute headings including indicia identifying attributes of the message provide an effective way to monitor and identify the message.

As to claim 19, this claim is rejected based on arguments given above for rejected claim 18 and is similarly rejected including the following:

Robinson as modified does not teach “display a portion of a properties attribute; selecting the properties attribute; and display the properties attribute in a viewer operable to view an entire text of the properties attribute of the message”.

Ishmael, JR et al. teach “display a portion of a properties attribute; selecting the properties attribute; and display the properties attribute in a viewer operable to view an entire text of the properties attribute of the message” (see Fig 3-5, [0023] and [0024]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Robinson as modified by the teaching of Ishmael, JR et al., since displaying only a portion of the properties attribute provides an abstract and effective view of the messages in the queue which allows a user to identify a specific message faster and displaying a complete properties attribute allows a user to view the status of the message more thoroughly and effectively.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (Publication No US 2003/0115366) in view of Ishmael, JR et al. (Publication No US 2002/0143947) as applied to claim 18 above, and further in view of Landfield et al. (US Patent No 5,928,333).

As to claim 20, this claim is rejected based on arguments given above for rejected claim 18 and is similarly rejected including the following:

Robinson as modified by Ishmael, JR et al does not teach “searching the messages read from the queue for a string of text; and identifying the message having text matching the string of text”.

Landfield et al. teach “searching the messages read from the queue for a string of text; and identifying the message having text matching the string of text” (see Fig. 3A and [column 7, lines 35-46]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Robinson as modified by the teaching of Ishmael, JR et al., since searching the messages read from the queue for a string of text and identifying the message having text matching the string of text provide an effective way to identify a specific message in a queue.

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Grohmann et al. (US Patent No 6,518,983) teach a method to display messages, particularly error and fault messages, from a plurality of user application in data processing which are running in parallel.

Hamilton et al. (Publication No US 2003/0182464) teach managing messages by storing messages in queues and providing a macro queue that is associated with the queues.

Chernin (US Patent No 6,643,694) teaches a system and method for integrating a proxy server, an e-mail server, and a Dynamic Host Configuration Protocol server with a graphical interface which provides e-mail searching, internet access monitoring and internet access control

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTC

March 16, 2006

Julie S. Wessum
Primary Examiner
Art Unit 2167